

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARK H. LONG,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-1053-SLP
)	
CITY OF LAWTON, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 3] issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Plaintiff is a state criminal Defendant awaiting trial in Comanche County for one count of Possession of Juvenile Pornography and one count of Violation of Oklahoma Statute via Computer.¹ He appears through counsel in this Court seeking civil rights relief in connection with his arrest and prosecution.² Judge Mitchell recommends abstention under *Younger v. Harris*, 401 U.S. 37 (1971) because Plaintiff's claims implicate the validity of his ongoing state criminal prosecution. Judge Mitchell further recommends staying this action until Plaintiff's state criminal case is completed.


¹ The Court takes judicial notice of the docket in Plaintiff's pending criminal action in the District Court of Comanche County, State of Oklahoma, *State v. Long*, Case No. CF-2022-744, available at www.oscn.net.

² Plaintiff's Complaint alleges eight causes of action: (1) unlawful seizure by wrongful arrest, (2) wrongful imprisonment, (3) violation of due process of law, (4) defamation, (5) tortious interference with children and constitutional deprivation of children, (6) sexual assault by publishing child pornography images to Plaintiff, and (7) intentional infliction of emotional distress, and (8) violation of civil rights under color of law. *See generally* [Doc. No. 1].

Judge Mitchell advised Plaintiff of his right to file an objection by January 31, 2024, and further advised him that failure to make timely objection waives the right to appellate review of both factual and legal issues contained therein. [Doc. No. 3] at 12. To date, Plaintiff has not filed an objection to the R. & R., nor has he requested an extension of time in which to do so. Therefore, the Court finds that Plaintiff has waived further review of all issues addressed in the R. & R. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Accordingly, the Report and Recommendation [Doc. No. 3] is ADOPTED. This action is STAYED pending the final conclusion of Plaintiff's state-court criminal proceeding. An appropriate Administrative Closing Order shall be entered.

IT IS SO ORDERED this 13th day of May, 2024.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE